

SENATE BILL No. 117

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-3-7; IC 36-4-3-11.

Synopsis: Annexation remonstrance period. Provides that an annexation ordinance takes effect at least 120 days after its publication and filing. (Current law provides that an annexation ordinance takes effect at least 60 days after publication and filing.) Allows landowners to file a remonstrance petition not later than 120 days after the publication of an annexation ordinance. (Current law allows landowners to file a remonstrance petition not later than 60 days after the publication of an annexation ordinance.)

Effective: July 1, 1999.

Gard, Long

January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 117

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-4-3-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) After an ordinance is adopted
3 under section 3, 4, or 5 of this chapter, it must be published in the
4 manner prescribed by IC 5-3-1. Except as provided in subsection (b) or
5 (c), in the absence of remonstrance and appeal under section 11 or 15.5
6 of this chapter, the ordinance takes effect at least ~~sixty (60)~~ **one**
7 **hundred twenty (120)** days after its publication and upon the filing
8 required by section 22(a) of this chapter.
9 (b) An ordinance described in subsection (d) or adopted under
10 section 3, 4, or 5 of this chapter may not take effect during the year
11 preceding a year in which a federal decennial census is conducted. An
12 ordinance that would otherwise take effect during the year preceding
13 a year in which a federal decennial census is conducted takes effect
14 January 2 of the year in which a federal decennial census is conducted.
15 (c) Subsections (d) and (e) apply to fire protection districts that are
16 established after June 14, 1987.
17 (d) Except as provided in subsection (b), whenever a municipality



annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

(1) provide fire protection to that territory beginning the date the ordinance is effective; and

(2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

SECTION 2. IC 36-4-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) Whenever territory is annexed by a municipality under this chapter, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by:

(1) a majority of the owners of land in the annexed territory; or

(2) the owners of more than seventy-five percent (75%) in assessed valuation of the land in the annexed territory.

The remonstrance must be filed within ~~sixty (60)~~ **one hundred twenty (120)** days after the publication of the annexation ordinance under section 7 of this chapter, must be accompanied by a copy of that ordinance, and must state the reason why the annexation should not take place.

(b) On receipt of the remonstrance, the court shall determine whether the remonstrance has the necessary signatures. In determining the total number of landowners of the annexed territory and whether

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1 signers of the remonstrance are landowners, the names appearing on
2 the tax duplicate for that territory constitute prima facie evidence of
3 ownership. Only one (1) person having an interest in each single
4 property, as evidenced by the tax duplicate, is considered a landowner
5 for purposes of this section.
6 (c) If the court determines that the remonstrance is sufficient, it shall
7 fix a time, within sixty (60) days of its determination, for a hearing on
8 the remonstrance. Notice of the proceedings, in the form of a summons,
9 shall be served on the annexing municipality. The municipality is the
10 defendant in the cause and shall appear and answer.

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